

See Attachment

(6)
2/1/01
ASm

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA

JAN 31 2001

STEPHEN WASHINGTON,

MARY E. D'ANDREA CL
Per _____
Deputy Clerk

Plaintiff

v.

CIVIL NO. 1:CV-00-1991

LACKAWANNA COUNTY PRISON,

(Judge Kane)

Defendant

STEPHEN WASHINGTON,

Plaintiff

v.

CIVIL NO. 1:CV-00-5005

LACKAWANNA COUNTY PRISON,

(Judge Kane)

Defendant

ORDER

Background

Stephen Washington, an inmate presently confined at the State Correctional Institution, Houtzdale initiated the above-captioned civil rights complaints under 42 U.S.C. § 1983. This court has reviewed the matters and found that they involve common facts and question of law. For the reasons outlined below, this court will direct that the cases be consolidated pursuant to Federal Rule of Civil Procedure 42(a) and the

Certified from the record
Date 12-31-01

Mary E. D'Andrea/Clerk
Per Jeanne L. Klemmer

consolidated matter will proceed under Civil Action No. 1:CV-00-1991, which was the initially filed action.

DISCUSSION

Washington's initial complaint, Civil No. 00-1991, names as defendants his former place of confinement, the Lackawanna County Prison, and an unidentified "correction offical (sic)" employed at the prison. (Doc. 1, ¶ III(A).)¹ Plaintiff asserts that on August 10, 1999, he was a pretrial detainee being held at the Lackawanna County Prison. On the above date, an unidentified correctional official allegedly subjected him to an excessive use of force, "and did not let me see a doctor me asked." Id. at ¶ IV(3).

His second complaint likewise names the Lackawanna County Prison and unidentified prison officials as defendants. The plaintiff, without providing any dates, again indicates that he was physically assaulted, stating that he was "hit in the places where" he had suffered a broken jaw "some time before." (Doc. 1, IV (2).) He also generally maintains that he requested but was denied medical attention for his injury. Both complaints

¹ However, since plaintiff subsequently states that he does not know all the defendants' names, it appears that he wishes to proceed against multiple John/Jane Doe prison officials. See id. at (B).

appear to seek compensatory damages.

Rule 42(a) of the Federal Rules of Civil Procedure states:

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

Fed. R. Civ. P. 42(a).

The allegations set forth in both actions are similar and appear to have arisen from the same underlying events. It also seems that plaintiff wishes to proceed against the same defendants. Consequently, since the actions contain common factors of law and fact, this court will order the consolidation of the two actions pursuant to Rule 42(a) and will proceed with the consolidated matter under plaintiff's initially filed action, Civil Action No. 1:CV-00-1991.

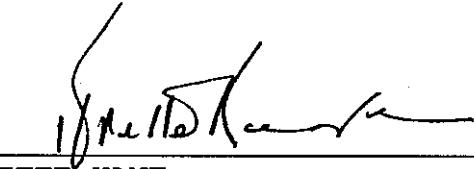
AND NOW, THEREFORE, THIS

31st

DAY OF JANUARY, 2001, IT

IS HEREBY ORDERED THAT:

1. The Clerk of Court is directed to consolidate Washington v. Lackawanna County Prison, Civil No. 1:CV-01-0051 into Washington v. Lackawanna County Prison, Civil No. 1:CV-00-1991, pursuant to Federal Rule of Civil Procedure 42(a).
2. The Clerk of Court is directed to close the case of Washington v. Lackawanna County Prison, Civil No. 1:CV-01-0051.



YVETTE KANE
United States District Judge

YK:jvw

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

January 31, 2001

Re: 1:01-cv-00051 Washington v. Lackawanna County Pr

True and correct copies of the attached were mailed by the clerk
to the following:

Stephen Washington
SCI-HOUTZDALE
EJ8067
P.O.Box 1000
Houtzdale, PA 16698-1000

cc:

Judge	(<input checked="" type="checkbox"/>)
Magistrate Judge	(<input type="checkbox"/>)
U.S. Marshal	(<input type="checkbox"/>)
Probation	(<input type="checkbox"/>)
U.S. Attorney	(<input type="checkbox"/>)
Atty. for Deft.	(<input type="checkbox"/>)
Defendant	(<input type="checkbox"/>)
Warden	(<input type="checkbox"/>)
Bureau of Prisons	(<input type="checkbox"/>)
Ct Reporter	(<input type="checkbox"/>)
Ctroom Deputy	(<input type="checkbox"/>)
Orig-Security	(<input checked="" type="checkbox"/>)
Federal Public Defender	(<input type="checkbox"/>)
Summons Issued	(<input type="checkbox"/>) with N/C attached to complt. and served by: U.S. Marshal (<input type="checkbox"/>) Pltf's Attorney (<input type="checkbox"/>)
Standard Order 93-5	(<input type="checkbox"/>)
Order to Show Cause	(<input type="checkbox"/>) with Petition attached & mailed certified mail to: US Atty Gen (<input type="checkbox"/>) PA Atty Gen (<input type="checkbox"/>) DA of County (<input type="checkbox"/>) Respondents (<input type="checkbox"/>)
Bankruptcy Court	(<input type="checkbox"/>)
Other <u>TSC</u>	(<input checked="" type="checkbox"/>)

DATE: 1-31-01

MARY E. D'ANDREA, Clerk

BY:


Deputy Clerk